D.B. CIVIL SPECIAL APPEAL (WRIT) NO.951/2007

Smt. Geeta Devi Vs. 1. Umesh Kumar
2. Jagdish Prasad
3. Arvind Kumar
4. Arun Kumar
5. Smt. Usha
6. Addl. Civil Judge (SD) & Addl. Chief Judicial Magistrate No.3, Bikaner.

Date : 02.11.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE BHANWAROO KHAN

Mr. Ajay Vyas for the appellant.

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Having heard learned counsel for the appellant we do not find any case in this appeal to interfere.

In the suit which is pending since 1989 and issues were framed in 1998, an application has been moved after 9 years for amendment / additions of new issues. Said application has been rejected by the trial court on the ground of inordinate delay being no reason to entertain such application at such belated stage.

The learned Single Judge has rejected the writ petition against the said order. Apparently the parties, who were aware about the pleadings and the material which were

within their domain are expected to pursue their cause with due diligence. The issues were framed in the presence of the parties. No action was taken for 9 years. We see no reason now to interfere with the discretion exercised by the trial court in rejecting the application for framing the additional issues at such belated stage for which no justifiable cause was shown.

The appeal is dismissed.

[BHANWAROO KHAN], J. [RAJESH BALIA], J.

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